

UNITED STATES DISTRICT COURT
DISTRICT OF NEW YORK

X

BRIAN FIELMAN, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

PEPSICO, INC., THE PEPSI BOTTLING GROUP,
INC., and PEPSI BOTTLING VENTURES LLC,

Defendants.

07 CIV 6815

DECLARATION OF DIANE
PETROCCIONE IN SUPPORT
OF DEFENDANTS' MOTION
TO DISMISS

X

DIANE PETROCCIONE, pursuant to 28 U.S.C. § 1746, declares under penalty of
perjury as follows:

1. I am the Senior Manager, Scientific Regulatory Affairs, of Defendant PepsiCo,
Inc. and submit this declaration on the basis of personal knowledge in support of the Motion to
Dismiss by Defendants PepsiCo, Inc, The Pepsi Bottling Group, Inc and Pepsi Bottling Ventures
LLC.

2. I have worked for PepsiCo, Inc. continuously since February 2001. During that
time, the words "purified drinking water" have always appeared prominently on the front of the
label of PepsiCo's Aquafina brand bottled water ("Aquafina") sold in New York state.

3. I am attaching hereto as Exhibit A, a true and correct copy of an Aquafina label
used in New York state.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September 18, 2007.



EXHIBIT

A



Pure Water • Perfect Taste
PURIFIED DRINKING WATER

20 FL. OZ.
(1.25 PT) 591 mL



Pure Water • Perfect Taste
PURIFIED DRINKING WATER

20 FL. OZ.
(1.25 PT) 591 mL




PLEASE RECYCLE

123M-329-62-CK

STORE IN A COOL PLACE

ME-HI 5c CA CRV

For more information about our purification process, visit www.aquafina.com

Nutrition Facts Serving size: 8 fl oz (240 mL) Servings Per Container: 2.5 Amount Per Serving and Per Bottle: **Calories 0, Total Fat 0g (0% DV), Sodium 0mg (0% DV), Total Carb. 0g (0% DV), Protein 0g.** Percent Daily Values (DV) are based on a 2,000 calorie diet.

For more information about our purification process, visit www.aquafina.com

BOTTLED AT THE SOURCE P.W.S. BY CPF, INC., AVER, MA 01432
NYSHD Cert. #328 CT NO. 045

For questions or comments, call 1-800-433-2652



0 121590 8

ME-HI 5c CA CRV

AQUAFINA IS A SMART CHOICE BECAUSE EVERY SERVING IS CALORIE FREE AND SODIUM FREE. VISIT WWW.SMARTSPOT.COM



Pure Water • Perfect Taste
PURIFIED DRINKING WATER

16.9 FL. OZ.
(1.05 PT) 500 mL



Pure Water • Perfect Taste
PURIFIED DRINKING WATER

16.9 FL. OZ.
(1.05 PT) 500 mL




PLEASE RECYCLE

123M-454-0062-0080-CD

REDEMPTION CODE

ME-HI 5c CA CRV

For more information about our purification process, visit www.aquafina.com

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ME-HI 5c CA CRV

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